IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 75 OF 2005

RAMA DURGAPPA HARIJAN,PRESENTLY IN JUDICIAL CUSTODY AT PANAJI GOA ....Applicants

Versus

STATE ,THROUGH THE PUBLIC PROSECUTOR ....Respondents

Mr. S. G. Bhobe, Advocate For The Applicant.
Mr. S.n.sardessai, Public Prosecutor For The Respondent.

Coram:- N. A. BRITTO, J.

Date:- 25th May, 2005

P.C.

Heard Mr. Bhobe, the learned counsel on behalf of the applicant/accused and Mr. Sardessai, the learned Public Prosecutor on behalf of the respondent. Mr. Sardessai submits that the investigations of this case are now completed and chargesheet will be filed before the Children's Court, Panaji, tomorrow. Upon the said submissions made by the leaned Public Prosecutor Mr. Sardessai, Mr. Bhobe seeks leave to withdraw this application for bail with liberty to move the Children's Court, Panaji, for bail. The application, therefore, is hereby dismissed as withdrawn. In case the applicant files an application for bail before the said Children's Court, the Children's Court will decide the same on its merits.

The learned Children's Court appears to have exercised jurisdiction invoking Section 439 of the Criminal Procedure Code. Prima facie, it appears that that is the jurisdiction of the Court of Sessions and the High Court. It is desirable that the Children's Court decides its own jurisdiction to grant bail, when next occasion arises, in matters such as this when no chargesheet is filed before that Court.